

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MELVIN L. JOHNSON,

Plaintiff,

v.

DEPARTMENT OF VETERANS  
AFFAIRS,

Defendant.

CASE NO. C24-0934JLR

ORDER

Before the court is *pro se* Plaintiff Melvin L. Johnson's amended complaint. (Am. Compl. (Dkt. # 8).) The court previously dismissed Mr. Johnson's complaint pursuant to 28 U.S.C. § 1915(e)(2) because he (1) failed "to name the head of the [Department of Veterans Affairs ('VA')] as the defendant rather than the agency itself," and (2) "the factual allegations in his complaint fail[ed] to meet minimum pleading requirements." (7/31/24 Order (Dkt. # 7) at 5-6. *See generally* Compl. (Dkt. # 5).) Having reviewed Mr. Johnson's amended complaint, the court concludes that it remains deficient for the same


1 reasons. Thus, pursuant to 28 U.S.C. § 1915(e)(2), the court dismisses Mr. Johnson's  
2 complaint with leave to file a second amended complaint.

3 Mr. Johnson's amended complaint appears to be the same complaint he submitted  
4 before with additional handwriting on it. Mr. Johnson has added several defendants to  
5 his complaint, none of whom are Denis R. McDonough, Secretary of the VA. (*See* Am.  
6 Compl. at 3.) The court explicitly instructed Mr. Johnson to name Secretary McDonough  
7 as the sole defendant in his amended complaint (7/31/24 Order at 8), which he has failed  
8 to do. The court therefore dismisses Mr. Johnson's amended complaint on this ground.

9 Moreover, Mr. Johnson has not added any additional factual allegations to his  
10 complaint or provided additional clarification as to what claim(s) he is bringing.  
11 (*Compare* Compl., *with* Am. Compl.) Mr. Johnson attached a 75-page exhibit to his  
12 complaint, comprising a "timeline for the event[s] that took place at the Puget Sound  
13 Veterans Hospital of Seattle, Washington on January 31st 2020 and what lead [*sic*] up to  
14 it prior," as well as several documents, most of which are VA documents that concern  
15 Mr. Johnson's prior administrative case. (*See generally* Ex. (Dkt. # 8-1).) Even if the  
16 court were to consider this exhibit as part of Mr. Johnson's complaint and liberally  
17 construe his complaint as pleading claims for hostile work environment and wrongful  
18 termination under Title VII, Mr. Johnson's timeline still fails to plead that he belongs to a  
19 protected class. (*See generally id.*; Am. Compl. *See also* 7/31/24 Order at 7 (explaining  
20 why Mr. Johnson's prior complaint failed to state a claim for hostile work environment or  
21 wrongful termination).) The court therefore dismisses Mr. Johnson's amended complaint  
22 on this ground as well.

1 Accordingly, the court DISMISSES Mr. Johnson's amended complaint (Dkt. # 8)  
2 without prejudice and with leave to amend. The court will give Mr. Johnson one more  
3 opportunity to remedy his complaint. Mr. Johnson must, by no later than **September 27,**  
4 **2024**, draft and file a second amended complaint that (1) names Secretary McDonough as  
5 the sole defendant; (2) identifies the claim(s) he is bringing; and (3) includes short, plain  
6 statements setting forth: (a) the legal basis for his claim(s); (b) exactly what the VA did  
7 or failed to do and when that conduct occurred; (c) how the VA's actions or inactions are  
8 connected to his legal claim(s) (i.e., how he was discriminated against); and (d) the  
9 specific injury or injuries he suffered as a result of the VA's conduct and when he  
10 suffered it. The court warns Mr. Johnson that if he fails to timely file a second amended  
11 complaint that cures the deficiencies identified herein and in the court's July 31, 2024  
12 order, the court will dismiss the complaint and this action with prejudice and without  
13 leave to amend.

14 Dated this 4th day of September, 2024.

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16 JAMES L. ROBART  
17 United States District Judge  
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